



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft City Council

Mayor Deanna R. Reed
Vice-Mayor Richard A. Baugh
Council Member Ted Byrd
Council Member George Hirschmann
Council Member Christopher B. Jones

Tuesday, June 27, 2017

7:00 PM

Council Chambers

1. Roll Call

Present: 5 - Mayor Deanna R. Reed, Vice-Mayor Richard Baugh, Council Member Ted Byrd, Council Member Christopher B. Jones and Council Member George Hirschmann

Also Present: 5 - City Manager Kurt Hodgen, Deputy City Manager Ande Banks, City Attorney Chris Brown, Police Chief Stephen Monticelli and City Clerk Banks Ande

2. Invocation

3. Pledge of Allegiance

4. Special Recognition

Mayor Reed presented a proclamation honoring United Way of Harrisonburg and Rockingham County to Anne Lewis, board member, and Laura Toni Holsinger, executive director.

Summer reading parties focus on elementary school kids to promote literacy in the community.

4.a. Proclamation honoring United Way of Harrisonburg and Rockingham County

Mayor Reed presented a proclamation honoring United Way of Harrisonburg and Rockingham County for sixty years of service to the community to Laura Toni-Holsinger, Executive Director. Mayor Reed also recognized the summer reading program through United Way has started. Ms. Toni-Holsinger stated the Read to Succeed Summer Reading Parties are literacy based events focused on elementary school students from six city and five county locations and participants will play games along with other activities and free books will be available for students to take home to read during the summer.

5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh to approve the consent agenda as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

5.a. Minutes for June 8, 2017 Joint School Board / City Council Meeting

These Minutes were approved on the Consent Agenda.

5.b. Minutes from June 13, 2017 City Council Meeting

These Minutes were approved on the Consent Agenda.

5.c. Consider granting an ordinance to Keezell, LLC to use, occupy and alter the sidewalk at the corner of South Main Street and Newman Avenue

This Ordinance was approved on second reading

5.d. Consider an amendment and reenactment of Section 4-2-77 Transient Tax and Section 4-2-87 Meals Tax of the Harrisonburg City Code

This Ordinance Amendment was approved on second reading

5.e. Consider amending and re-enacting Section 7-4-1 Water and Sewer Rates, of the Harrisonburg City Code

This Ordinance Amendment was approved on second reading

5.f. Consider a request from S & B Rentals LLC to rezone a parcel located at 160 and 164 Waterman Drive from M-1, General Industrial District to B-2, General Business District.

This rezoning request was approved on second reading

5.g. Consider a request from S & B Rentals LLC for a special use permit per Section 10-3-91 (8) to allow for the reduction in required parking spaces within the B-2, General Business District. Areas that would have been used for parking must remain as open space and shall not be used to meet any conflicting requirements of the Zoning Ordinance. The property is located at 160 & 164 Waterman Drive.

This Special Use Permit request was approved on second reading

- 5.h. Consider a request from Virginia Mennonite Retirement Community, Inc. (VMRC) to rezone a 13.35 +/- acre section of the Virginia Mennonite Retirement Community by amending the existing Master Plan Drawing. The properties are identified as tax map parcels 52-D-4, 6-10.

This rezoning request was approved on second reading

- 5.i. Consider approval of an ordinance to abate and demolish a blighted property

This Ordinance was approved on second reading

6. Public Hearings

- 6.a. Consider approving the disposition of real estate located at the intersection of Virginia Avenue and Mount Clinton Pike Extended

City Attorney Chris Brown presented a request for a land swap between the department of Public Works and Harrisonburg Virginia Avenue Station, LLC, owner of the Exxon station at corner of Virginia Avenue and Mt. Clinton Pike. Mr. Brown stated the department of Public Works and the land owner decided that a land swap of 536 square feet would be beneficial as it will allow the landowner to do different things with their signage and allow the city to have a buffer zone and room for a sidewalk for pedestrian traffic.

At 7:08 p.m., Mayor Reed closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, June 19, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:08 p.m., and the regular session reconvened.

A motion was made by Vice Mayor Baugh, seconded by Council Member Hirschmann, to approve the Resolution and request for disposition of real estate as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

7. Regular Items

- 7.a. Consider amending the city's Purchasing and Contracting Manual to update the current purchasing thresholds to be effective July 1, 2017

City Manager Kurt Hodgen presented proposed amendments to the Purchasing and Contracting policies. Mr. Hodgen stated the current thresholds in which amendments are being sought have been in place since 2004, the Commonwealth has changed theirs several times since then and would like to change the city's current policies to match what the state provides. Mr. Hodgen reviewed the changes requested.

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to approve the recommended amendments effective July 1, 2017. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

7.b. Consider removing 1996-1997 Real Estate Taxes and 2011 Personal Property Taxes from the tax roll

Jeff Shafer, treasurer, stated each year he presents this request in accordance with City Code Section 4-1-36 and Virginia State Code Section 58.1-3940 to remove certain taxes from the Treasurer's books as uncollectable. Mr. Shafer stated the request is for \$8,462.32 in real estate taxes and \$91,611.68 on personal property taxes be removed from the active collection accounts. Mr. Shafer noted quite a few judgments have been served and filed through the court system, and will remain collectable.

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve the removal of 1996 and 1997 Real Estate Taxes and 2011 Personal Property Taxes from the tax roll as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

7.c. Consider Advertisement of delinquent Real Estate taxes for the years 2014/2015 and 2015/2016.

Jeff Shafer, treasurer, presented a request in accordance with City Code Section 4-1-29 to advertising delinquent real estate taxes for 2014/2015 and 2015/2016 as a collection measure. Mr. Shafer noted letters are sent giving 30 days to pay, and if not paid, an ad is run in August through the local paper listing the properties and the amounts owed.

A motion was made by Council Member Hirschmann seconded by Vice Mayor Baugh, to approve the request to advertise delinquent real estate taxes as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

7.d. Consider a Radio System User Equipment Replacement proposal

Jim Junkins, director of Harrisonburg-Rockingham Emergency Communication Center (HRECC), presented information regarding the Radio System User Equipment Replacement proposal. Mr. Junkins prefaced the presentation by saying the figures shown on the presentation have changed, for the majority costs have decreased. Mr. Junkins thanked Mr. Hodgen, Mr. Banks, Mr. Brown, Police Chief Monticelli and Fire Chief Bennett for their guidance and assistance.

Mr. Junkins stated the need is to accelerate replacement of all two-way user radios, a total of 3,000 radios need to be replaced of which 775 are the city's and 460 are shared/joint services radios. Mr. Junkins stated the radios need to be replaced due to the 10+ year service life, change in technology, parts availability, and compatibility with system upgrades.

Mr. Junkins noted these upgrades were originally planned in the FY2018/2019, and is in the city's and county's capital improvement program, however, both the city manager and county administrator requested this project be pushed back to FY2019/2020. Mr. Junkins stated that in February of 2017 the radio manufacturer discovered a problem with the radios as they did not have enough memory to hold both the old and the new systems at once.

The replacement needs to be accelerated in order for effective communication to continue.

Mr. Junkins stated the plan is to start receiving the new radios over the next several months which enables the HRECC to transition to the new system with significant incentives offered by the radio manufacturer since this replacement had to take place earlier than expected. Mr. Junkins noted they are offering a delay in payment as well until July 2018, and they have a lending institution in which the radio manufacturer has offered to pay any interest accrued on this loan as well as spreading payments over a two year span.

Mr. Junkins noted the total project cost is \$6,278,051, with the city's portion would be \$2,070,420 (not including schools portion) and joint services portion being \$477,415. Mr. Junkins reviewed the other investments from other area agencies. Mr. Junkins stated the City's total investment will be \$2,611,512, with an original overall total quote of approximately \$10M total now reduced to \$6,278,051.

Mr. Junkins noted normally HRECC manages and purchases the radios for all of the entities, in which the city, as the fiscal agent, pays the invoice and then is reimbursed by the individual entities. Mr. Junkins noted this procedure will change

slightly so the city doesn't have to incur the entire debt, with the lender splitting the bill between the city and the county.

Mr. Junkins stated the agreement needs to be signed by June 30, 2017 in order to obtain the incentives offered and he will be presenting this to the county board as well.

City Attorney Chris Brown explained that an amendment was received from the radio manufacturer, Harris, however a finance contingency needs to be added to the amendment, be reviewed by city staff and must coordinate with Rockingham County because they have different guidelines to follow. Mr. Brown stated this can be done prior to Friday, but authorization must be given to the city manager and city attorney to review and make necessary changes to the agreement prior to execution.

Council Member Jones asked if this contract would be for the entire \$6.2M or just the city's portion. Mr. Brown stated it is for the joint powers, for the entirety as fiscal agent, and the county, HRECC and city manager will sign.

Mr. Junkins stated if something happened after agreement was signed the amendment can be terminated.

Mr. Brown stated if the financing doesn't work out, it would allow the city to terminate the amendment in the hopes to negotiate a similar deal down the road if necessary or look for other sources of funds.

Council Member Jones thanks Mr. Junkins on leading council on the CAD system as it will keep us all speaking the same language and providing pertinent data.

Mr. Junkins thanked Council Member Jones, and noted more information will be coming to council on this matter.

A motion was made by Council Member Byrd seconded by Vice Mayor Baugh, to authorize the city manager, city attorney and finance director to continue to work on this not to exceed the amount for the purchase of the radios as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

8. Special Event Application Requests

Jeremiah Jenkins presented on behalf of Harrisonburg Downtown Renaissance.

8.a. Consider a special event application request for Brothers Brewing 3-Miler

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance

(HDR), presented a special events application for the Brothers Three Miler on behalf of VA Momentum, to be held on August 26, 2017, and will require Public Works and Harrisonburg Police Department (HPD) support. Mr. Jenkins stated the special events committee has reviewed and approved the application and recommends approval.

A motion was made by Council Member Jones seconded by Vice Mayor Baugh, to approve the special event application request from agenda items 8a through 8h as presented. The motion carried with a unanimous voice vote.

8.b. Consider a special event application request for Valley Fourth

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance (HDR), presented a special events application for the Valley Fourth, presented by HDR, to be held on July 4, 2017, and will require Public Works and Harrisonburg Police Department (HPD) support. Mr. Jenkins noted there is a new fireworks launch location at Westover Park, in which the Harrisonburg Fire Department and Parks and Recreation will support. Mr. Jenkins stated the special events committee has reviewed and approved the application and recommends approval.

Council Member Jones asked if staff has been notified of the changes to the Valley Fourth event in order to field any phone call questions. Mr. Jenkins stated HDR has notified city staff and been in communication with local media.

A motion was made by Council Member Jones seconded by Vice Mayor Baugh, to approve the special event application request from agenda items 8a through 8h as presented. The motion carried with a unanimous voice vote.

8.c. Consider a special event application request for Block Party in the Burg

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance (HDR), presented a special events application for the Block Party in the Burg, produced by HDR and James Madison University, to be held on August 26, 2017, and will require Public Works and Harrisonburg Police Department (HPD) support. Mr. Jenkins stated the special events committee has reviewed and approved the application and recommends approval.

A motion was made by Council Member Jones seconded by Vice Mayor Baugh, to approve the special event application request from agenda items 8a through 8h as presented. The motion carried with a unanimous voice vote.

8.d. Consider an event application request for Race to Beat Breast Cancer 5k Run/Walk

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance

(HDR), presented a special events application for the Race to Beat Breast Cancer 5K Walk/Run, produced by Harrisonburg Parks and Recreation, to be held on October 21, 2017, and will require Public Works and Harrisonburg Police Department (HPD) support. Mr. Jenkins stated the special events committee has reviewed and approved the application and recommends approval.

A motion was made by Council Member Jones seconded by Vice Mayor Baugh, to approve the special event application request from agenda items 8a through 8h as presented. The motion carried with a unanimous voice vote.

8.e. Consider a special event application request for the Turkey Trot

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance (HDR), presented a special events application for the Turkey Trot, produced by VA Momentum to be held on November 23, 2017, and will require Public Works and Harrisonburg Police Department (HPD) support. Mr. Jenkins stated the special events committee has reviewed and approved the application and recommends approval.

Council Member Jones asked if the issues with the Turkey Trot from last year have been resolved. Mr. Jenkins stated city staff that may have felt strain prior to the revision of the application, now feels this will be a very manageable event.

A motion was made by Council Member Jones seconded by Vice Mayor Baugh, to approve the special event application request from agenda items 8a through 8h as presented. The motion carried with a unanimous voice vote.

8.f. Consider a special event application request for the NYE Glow Run 5k

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance (HDR), presented a special events application for the New Years Eve Glow Run 5K produced by VA Momentum and Generations Crossing, to be held on December 31, 2017, and will require Public Works and Harrisonburg Police Department (HPD) support. Mr. Jenkins stated the special events committee has reviewed and approved the application and recommends approval.

A motion was made by Council Member Jones seconded by Vice Mayor Baugh, to approve the special event application request from agenda items 8a through 8h as presented. The motion carried with a unanimous voice vote.

8.g. Consider a special event application request for First Night Harrisonburg

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance

(HDR), presented a special events application for the First Night produced by First Night Harrisonburg, to be held on December 31, 2017, and will require Public Works and Harrisonburg Police Department (HPD) support. Mr. Jenkins stated the special events committee has reviewed and approved the application and recommends approval.

A motion was made by Council Member Jones seconded by Vice Mayor Baugh, to approve the special event application request from agenda items 8a through 8h as presented. The motion carried with a unanimous voice vote.

8.h. Consider a special event application request for Alpine Loop Gran Fondo

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance (HDR), presented a special events application for the Alpine Loop Grand Fondo, produced by Bishop Racing LLC & Shenandoah Valley Bicycle, to be held on October 1, 2017, and will require minor Harrisonburg Police Department (HPD) support. Mr. Jenkins stated the special events committee has reviewed and approved the application and recommends approval.

Council Member Byrd stated this should be contingent upon the applicants turning in all required documents, as some did not have insurance certificates.

Mr. Jenkins stated he requires most events, especially the new events to have documentation before being presented to council, however past organizers are usually given more time and he ensures the city receives the required documents prior to the event taking place or it would be prohibited.

A motion was made by Council Member Jones seconded by Vice Mayor Baugh, to approve the special event application request from agenda items 8a through 8h as presented. The motion carried with a unanimous voice vote.

9. Reallocations

9.a. Consider a reallocation of budgeted funds in the amount of \$250,000 for the School Fund

Kurt Hodgen, city manager, presented the request for reallocation of budgeted funds from school operations and maintenance accounts in the amount of \$250K of which \$150K is to be moved into their instruction account, \$50K into their administration, attendance and health account and \$50K into their technology fund.

A motion was made by Vice Mayor Baugh seconded by Council Member Jones, to approve the reallocation of budgeted funds as presented. The motion carried with a recorded roll call

vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

- 9.b.** Consider a reallocation of budgeted funds in the amount of \$925,000 for the General Capital Projects Fund and a total of \$340,000 for the Water and Sewer Capital Projects Funds

Kurt Hodgen, city manager presented a request for a year end reallocation of funds to move \$920K of various line items in the general fund to the general capital projects fund for several projects: \$225K will go to Fire Station 1, to cover remaining costs and change orders and some of which will be reimbursed as a result of architectural oversights; \$150K moved into line items for renovations toward the old Municipal Building which will supplement the FY17/18 budget; \$550K for the HVAC project at the county jail, which is currently in the shared services line item, and should have been a general capital projects line items to begin with and will have a total estimated project cost of \$1.5M; \$540K from the water and sewer funds into water and sewer capital projects fund for an anticipated utility billing software project.

A motion was made by Vice Mayor Baugh seconded by Council Member Hirshmann, to approve the reallocation of budgeted funds as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

10. Other Matters

10.a. Comments from the public, limited to five minutes, on matters not on the regular agenda.
(Name and address are required)

James "Bucky" Berry, 30 W. Washington Street, stated NASCAR will be in town to help with the food drive for the Salvation Army at ABC Supply on South Main Street and invited council to stop by and support the event. Mr. Berry stated this is the ninth year of collecting food for the community and he feels the food drives help keep the shelter open.

Ricky Corco, resident of Harrisonburg, stated a group of people who support the RHSPCA feels that anyone who disagrees with them has never stepped foot into a shelter. Mr. Corco stated that is not true, as he has not only raised money for the shelter but has worked there and volunteered in other animal welfare organizations. Mr. Corco stated we have seen open admission shelters in neighboring areas that achieve a 90% life save rate and a no kill designation with similar or even higher intake rate. Mr. Corco stated we have seen explanations of irresponsible donations from the RHSPCA exceeding \$50K that could have been used to save animals in the city and improve one of the highest euthanasia rates

in the entire state.

Melinda See, member of Advocates for Valley Animals, a group of city and county residents that have been working on concerns regarding the local shelter over the past three years. Ms. See stated the group wanted to share their appreciation and is grateful to the council and county administrators that listened to their concerns regarding the RHSPCA and funded the independent shelter assessment in 2016. Ms. See quoted the consulting firm: "while it is generally effective, the RHSPCA is on the lowest level of positive outcomes and highest of euthanasia per population, and that it appears to be a decade or more behind many other shelters of its type"; "an unwillingness of senior management to bring it to current industry trends"; and the "shelter is increasingly out of step with community opinion nationwide and within Virginia, and that the RHSPC has much room for improvement". Ms. See provided maps for council that compares state wide cat and dog euthanasia performance among shelters in 2016, which was obtained by shelters reporting the information to the state annually and this data shows the RHSPCA rated in the highest euthanasia grouping. Ms. See stated several years ago, prior to the shelters assessment the RHSPCA had expressed goals to modernize the sheltering program and in a letter to council in 2010 shelter management stated goals of adding a staff veterinarian and a cat room. Ms. See stated with the annual funding increases that were granted since then and with the shelters decreasing intakes, we have not seen an effort by the RHSCPA to attain those goals or ask for community support. Ms. See stated having a staff Veterinarian to treat, spay and neuter adoptable animals is the best practice for shelters who want to improve their life saving efforts. Ms. See stated that although the shelter study expressed the RHSPCA does meet minimum legal requirements and has compassionate staffing, the shelter's operations and outcomes do not reflect the community's standards. Ms. See stated just meeting minimum legal standards is not fair to our homeless animals and the community deserves better from government. Ms. See stated the consultant of the study posed the question "is this a good organization which is functioning well and is the RHSPCA doing everything they can reasonably do, are constituents unreasonable to expect more from this contract provider and is the RHSPCA keeping pace with the best practices approaches to animal sheltering. Ms. See stated the answer from her perspective was no. Ms. See stated the shelter has commented that it is about different philosophies which it is, but the shelter's philosophy was determined to be outdated and does not get the results that the community wants. Ms. See stated the RHSPCA supporters have criticized the group for not helping, but that is inaccurate, as advocates for the group have volunteered, adopted, donated, fund raised and sent adopters and volunteers for in-kind services to the shelter. Ms. See stated she has sent the shelter administration an email thanking them for better results in the first quarter of this year as even though that is the slowest time for intake at all shelters in Virginia, but did see greater performance and more animals were transported out of the area. Ms. See stated since there were a few questionable euthanasia's this past spring it shows they are still operating under old protocols when intake increases. Ms. See stated they are asking Council to give full and fair consideration to other proposals for sheltering services that would

be in step with community values and with current sheltering best practices.

Kim Denman, 723 Augusta Avenue, former employee of the RHSPCA, stating it was a difficult job made more difficult by passive leadership. Ms. Denman stated she was made aware of the shelters expenditures of 2015 and was disturbed because employees were often told there wasn't enough funding for certain items for example: employees had to purchase their own supplies such as hoses, cleaning items etc; many cages and automatic water bowls were broken, the issues were not fixed by management; water would overflow and leak into the isolation quarters and drip into the kennels; a propane leak that wasn't repaired which caused headaches in employees and lethargy in dogs; employees were constantly told there was not enough money for basic necessities but new lawn mowers, storage sheds, computers for managers offices, were acquired; many of the donated items and food would be either stored in poor conditions causing mildew and bug infestations or good food thrown out instead of given to adopters; the foster program had minimum foster locations, and many animals would be brought back un-socialized and unadoptable due to no training or work being done with the animals during the foster care period.

Christine Dawson, Liberty Square, stated she is a teacher at Skyline Middle School and fosters dogs for Anicira. Ms. Dawson stated she has witnessed the dedication and commitment to improving animals lives in the community through Anicira. Ms. Dawson stated they have taken in dogs that no one wanted to help, and has given them a chance. Ms. Dawson stated Anicira used fund raising, foster and volunteer networks, and medical expertise to save them all. Ms. Dawson stated the best thing for Harrisonburg is to contract with Anicira, because a euthanasia rate of 63% for cats and 24% for dogs is unacceptable, the city can do better and the animals deserve better.

Nila Gayle Lohr, resident of Broadway and owner of property in Harrisonburg stated she was on the board of directors for the RHSPCA for over 20 years. Ms Lohr stated while serving on the board there were issues that started to form and it was getting off track from original concept and causing six board members to resign. Ms. Lohr stated she is in support of changing to a no kill shelter, and is happy to have a group that is willing and ready to do that and asked council to please consider turning the care of our animals over to a different group, who are willing to go with a no-kill shelter.

Dr. Cheryl Tobler, 10587 Mountain Valley Road stated she supports turning the contract over to Anicira, a no-kill shelter. Dr. Tobler stated that although many say no-kill shelters are not feasible, however, a quick search through Virginia shelters shows 52 are no kill shelters including several that are open admissions. Dr. Tobler stated Anicira's proposal could take on the city contract, reduce the amount of the contract by 15%, therefore it is physically and financially feasible. Dr. Tobler stated this would be supported by the local community and asks council to consider the request. Council Member Jones asked if the open admission shelters found, did they charge a fee. Dr. Tobler stated she did not research fees, but feels

it depends on the shelter, whether it is limited admission or open admission. Dr. Tobler stated information can be found thru the No-Kill Virginia organization's site. Council Member Jones stated he was curious that when looking at the comparisons would the same services be offered at no cost that our citizens are accustomed to receiving at no cost.

Karen Mast, member of the board of the RHSPCA stated she doesn't spend a lot of time on social media sites but has heard of some of the comments made regarding the RHSPCA and she feels they are horrible and not true. Ms. Mast stated the staff at the RHSPCA is welcoming of all who come through our doors; people can speak with the staff and ask questions, we are proud to openly serve the people and pets without discrimination, no matter how sick or dangerous the animal may be. Ms. Mast stated as a facility that holds stray pets, she is amazed at how many strays are well cared for even though the pet isn't bearing any form of ID. Ms. Mast stated in 2017 micro-chipping should be a standard particularly for those pets that are allowed to roam outdoors. Ms. Mast noted the RHSPCA honors the contracts they hold with the city and county, in addition to the better known functions of receiving community pets from owners surrenders and locality strays, they perform lesser advertised and less glamorous functions including holding domestic pets for city and county court cases. Ms. Mast shared a story of a community cat that had rabies.

Lisa Knight, Harrisonburg business owner thanked council for the opportunity to be here tonight. Ms. Knight stated she finds it very refreshing, considering the costs for city projects presented this evening, for a group to offer their services at a lesser cost. Ms. Knight stated she is interested in taxes and money but also interested in animals and is sickened by what is going on at our local SPCA. Ms. Knight stated there is no excuse for it, the study needed to be done, to show how things can be done better. Ms. Knight stated there is no reason the friendly city can't make a change, no reason the city can't have a no-kill shelter, and feels we need to be the leader, the public wants it, the animals need it and begs council to consider Anicira's proposal. Ms. Knight shared a story of an animal she rescued and Anicira helped with health and rehabilitative care to make it adoptable.

Pamayotis "Poti" Giannakaouros, 98 Emory Street stated he is very pleased to see so many people care for the welfare of animals on both sides, and hopes to find sympathy and agreement for the welfare for animals in general. Mr. Giannakaouros stated he handed out brochures to many attendees of this meeting entitled "Welcome to my Humane Back Yard" distributed by the Humane Society, which illustrates how to make a back yard more humane for the wildlife, the bees etc. Mr. Giannakaouros stated this morning he saw a goldfinch on his chicory bush. Mr. Giannakaouros referenced a study that stated scientists found dogs with malignant lymphoma were 70% more likely to have lived in a home where professionally applied lawn pesticides were used. Mr. Giannakaouros stated one would hope that the city would discourage the use of pesticides, however instead, two staff members who sneak around peeking through privacy fences to see if there may be a blade of grass over 12 inches. Mr. Giannakaouros asks that

council review the tall grass ordinance and somehow change it to make it more compassionate to our animal friends.

Loring Gibson, 1309 Goldfinch Drive, volunteer at the RHSPCA, stated he has seen a lot of emotion and passion on every side of this issue and hopes that council will do their due diligence.

Jo Benjamin, 434 Myrtle Street, adoption/outreach coordinator at RHSPCA, stated she has reached out with local organizations to chat on behalf of the animals and Anicira backed out of speaking with her. Ms. Benjamin stated she feels the contentious debate only hurts the animals that could have good luck getting adopted locally, and encourages organizations to communicate and work together. Ms. Benjamin stated she is hesitant to compare our shelter to others, can't compare northern Virginia to the Shenandoah Valley as we have unique issues in the local area, which RHSPCA is working on with hopefully the help of other organizations. Ms. Benjamin stated a study had been done regarding veterinarian services available at the shelter, but it was determined that the current services adequately provided by local veterinarian practices. Ms. Benjamin stated the RHSPCA has a lot of animals that come into their care that require medical attention which is provided. Ms. Benjamin shared a story of a Pit Bull and his journey to adoption. Ms. Benjamin stated there are many things that have changed since some employees have left, plenty of hoses, gloves, no propane leak, working hot water heater, and plenty of computers for staff. Ms. Benjamin stated she just wants people to talk more to each other, many rescue partners are available, locally and across the county, and extends an invitation for anyone to come out to the shelter.

10.b. City Council and Staff

Council Member Jones states he would like Ms. Lemmond, president and chief executive officer of Anicira, to do a presentation for council for the July 11, 2017 meeting and would also request the RHSPCA to prepare a follow up presentation from the study that was done at the July 25, 2017 council meeting.

Vice Mayor Baugh provided an update on the Planning Commission with three things on track for next council meeting: Special Use Permit on South High Street to allow restaurant M-1; Special Use Permit on Port Republic Road for concealed wireless communications on top of 865 building; and Special Use Permit and rezoning request for property on South Main and Edgelawn that will be coming with an unfavorable recommendation from Planning Commission.

City manager Kurt Hodgen stated the Community Services Board has approved a contract with an architect to undertake a space study need as they are growing out of the space they currently have on North Main Street and ultimately will result in a project proposal, with shared costs between the city, county and the board. Mr. Hodgen stated the city has received an unsolicited proposal from Anicira to provide services required of the city relative to animal impoundment and

sheltering, which will need to be brought back to council at the July 11, 2017 meeting for staff direction for further evaluation and study as council sees fit. Mr. Hodgen stated council has the right on any unsolicited proposals to accept or reject, and if accepted, a 45 day public hearing notice will need to be published and opened to any other interested party to submit a competing proposal. Council Member Jones stated he wants to see Anicira's presentation. Mr. Hodgen stated after the 45 day period expires and council determines whether to proceed or not, a detailed study phase may take place, and additional timelines and time schedules will need to be adhered to.

City attorney Chris Brown stated the mulch ordinance case was argued Tuesday, June 20, 2017, and an opinion should be available in the very near future, at which time it will be shared with council.

Mayor Reed stated the following: city offices will be closed for Independence Day holiday, Monday July 3, 2017 and July 4, 2017 and please check the city's website for trash collection schedules and for a complete list of Valley Fourth events hosted by Harrisonburg Downtown Renaissance can be found at downtownharrisonburg.org; please leave the fireworks to the experts, the sale or use of fireworks, including sparklers, is illegal in the city; Harrisonburg Fire Departments Annual Smoke Alarm and Free Pizza Night will be held on Wednesday, July 12, 2017 starting at 4:00 pm; Volunteers are needed to welcome residents and visitors to city hall, and serves as a source of information, additional information can be found on the city's website.

11. Closed Session

11.a. Virginia Code Section 2.2-3711(A), under: Subsection 3 for a discussion of the disposition of publically held real estate

Vice Mayor Baugh stated the Virginia State and Local government Conflict Of Interest Act requires that he make the following disclosure to be recorded in the city records on any matter from which he is prohibited by law from participating: The transaction involved is agenda item 11a, a closed session to discuss the disposition of public held real estate; his personal interest in the transaction relates to the ethical requirements to which he must adhere as a licensed member of the Virginia State Bar; he affirms he will not vote or any manner act on behalf of city council on this matter.

At 8:32 p.m., a motion was made by Council Member Byrd, seconded by Council Member Jones, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: subsection 3 for a discussion of the disposition of publically held real estate.

A motion was made by Council Member Byrd, seconded by Council Member Jones, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code

Section 2.2-3711(A), under: subsection 3 for a discussion of the disposition of publically held real estate. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Reed, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

Abstain: 1 - Vice-Mayor Baugh

12. Adjournment

At 8:45 p.m., the closed session ended and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

At 10:18 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR